

Planning Commission Date: July 26, 2006

Item No.

2.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Momo Ishijima

Public Hearing: Yes: X No:

Notices Mailed On: 7/14/06

Published On: 7/13/06

Posted On: 7/14/06

TITLE: **USE PERMIT NO. UP2006-11 AND "S" ZONE AMENDMENT NO. SA2006-22, M&S COLLISION**

Proposal: A request for an automotive repair shop in an existing industrial warehouse building with associated site improvements.

Location: 107 Minnis Circle

APN: 022 02 041

RECOMMENDATION: **Approve with Conditions**

Applicant: Chaiyar Siripoke, 125 Minnis Circle, Milpitas, CA 95035
Wayne Renshaw, Architect, 255 N Market St #252, San Jose, CA 95110

Property Owner: John B. & Rita I. Minnis, 1781 Pinehurst Court, Milpitas, CA 95035

Previous Action(s): "S" Zone Approval

Environmental Info: The proposed project is categorically exempt per Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

General Plan Designation: Highway Services

Present Zoning: HS-S, Highway Services with an "S" Zone Overlay

Existing Land Use: Vacant multi-tenant building

Agenda Sent To: Applicant and owner as noted above

Attachments: (1) Location map
(2) Project plans

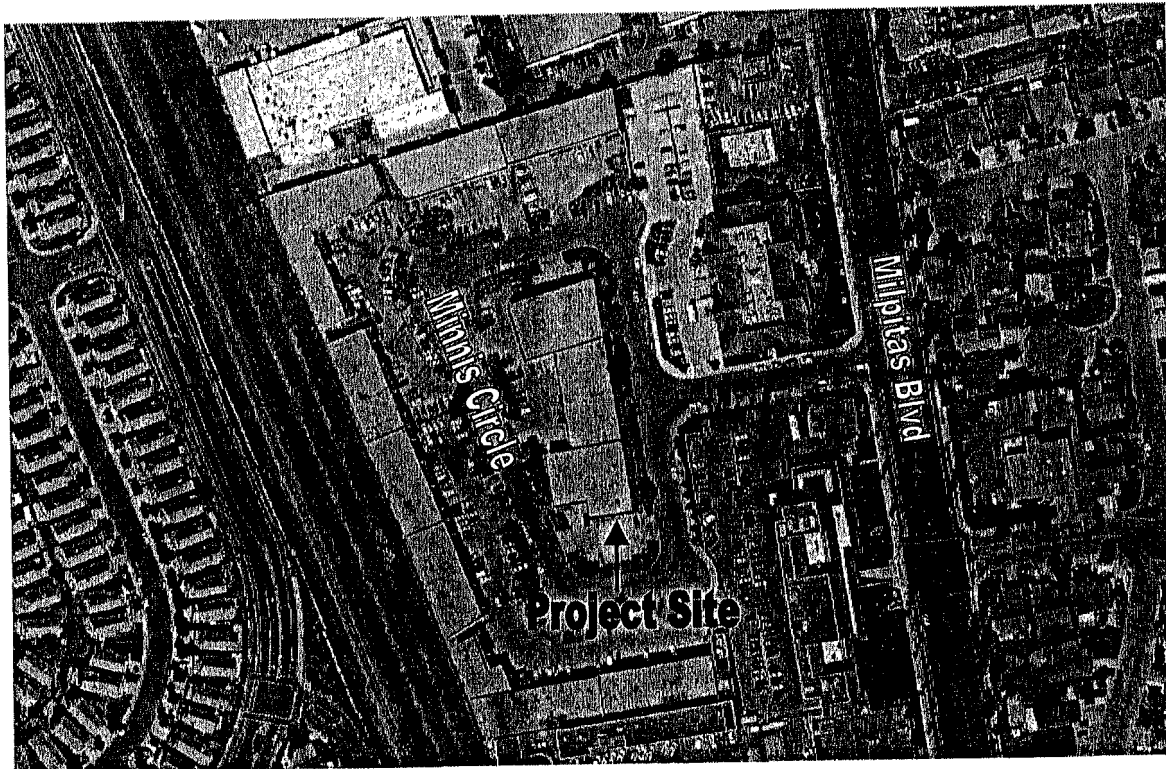
PJ#: 2459

BACKGROUND

Planning Commission approved an “S” Zone application on May 19, 1983, for three industrial buildings totaling 28,934 square feet, located on three parcels (Lots L, M & N ~ APN: 022 02 039, 040 & 041) in the center block of Minnis Circle. Subsequent approvals have included “S” Zone Amendments for building signs for a martial arts studio.

Site Description

The project site is located on Lot N, approximately 0.48 acres, in the center block of Minnis Circle, west of the City of Milpitas Police Station and the Minnis Office Building. The project site is a 7,541 square foot tenant space in a 9,493 square foot multi-tenant building. The adjacent tenant space is vacant. Surrounding businesses on Minnis Circle include other automotive repair shops and a rental car business.



THE APPLICATION

This Use Permit application is submitted pursuant to Title XI, Chapter 10, Section 21.03-3 (Highway Service District, Uses Permitted Subject to Securing a Conditional Use Permit – Auto repair shops of all kinds - body) and Section 57 (Conditional Uses Permitted by Commission) of the Milpitas Zoning Ordinance. The “S” Zone Approval Amendment application is submitted pursuant to Section 42 of the Milpitas Zoning Ordinance. The applicant is requesting approval to operate an automobile body shop.

Project Description

The applicant is proposing to operate an automotive repair shop for the general public in Milpitas. The automotive repair shop is focused on collision repairs including body, frame and mechanical work, vehicle painting, detailing and wheel replacement. As all makes and models of automobiles are serviced, no parts are stocked on site.

M&S Collision is currently located at 125 Minnis Circle where they have been in business for 20 years under Use Permit # 448. They are relocating to the larger tenant space at the project site to expand their business.

The proposed hours of operation are 7:00 A.M. to 8:00 P.M. Monday through Friday and 7:00 A.M. to 7:00 P.M. Saturday and Sunday. There will be five (5) employees with some employees arriving early and leaving early, and other employees arriving late and leaving late. The maximum number of employees during overlap time will be five (5).

The proposed floor layout will include an office, waiting and break area of approximately 1,045 square feet and auto body shop area with three (3) automobile service bays, paint booth, storage and three (3) internal parking spaces of totaling 6,496 square feet.

Conformance with the General Plan

The project conforms to the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.

Implementing Policy 2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

Comment: M&S Collision is an existing business looking to relocate and expand their business within the City of Milpitas. The proposed project will encourage economic pursuits and retains a viable business within the City.

Conformance with the Zoning Ordinance

The proposed project is located in the Highway Service (HS) zoning district and is permitted with the approval of a Conditional Use Permit. The proposed automotive repair shop will be wholly contained within the building. Staff does not anticipate the project will be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

In addition, the purpose of the Highway Services district is to “provide for a wide range of personal and business services oriented to the automobile customer and includes those businesses that customarily located outside the Central Business District and has a relatively low customer volume.” This project is consistent with the purpose of the Highway Service district because it is

a business that serves the automobile customer (auto services), has a low customer volume because the service is mainly for collision repair, and will occupy a vacant space in the multi-tenant building.

ISSUES

Parking

The existing industrial building has two (2) tenant spaces. There is a vacant office space of 1,803 square feet and the tenant space for the proposed use is 7,541 square feet. There are a total of 18 parking spaces provided on site.

Table 1: Parking Requirement Analysis

Use	Parking Requirement	Parking Analysis
Auto body shop area (3 service bays)	3 parking spaces per bay <i>Per MMC XI-10-53.23-2(15)</i>	3 x 3 = 9 parking spaces
Auto repair office area (1,045 square feet)	1 parking space per 350 sq. ft. GFA <i>Per MMC XI-10-53.23-3(4)</i>	1,045 / 350 = 3 parking spaces
Vacant office area (1,803 square feet)	1 parking space per 350 sq. ft. GFA <i>Per MMC XI-10-53.23-3(4)</i>	1,803 / 350 = 5 parking spaces
		Total Required: 17 parking spaces

The total number of parking spaces required for the project site with the adjacent vacant office space is 17 parking spaces. The project site conforms to the parking requirement of the Milpitas Zoning Ordinance and in addition, the applicant proposes three (3) internal parking spaces within the auto body shop area. Minnis Circle has many auto service businesses and there have been illegal parking problems in the past. As such, **staff recommends** that a special condition be added requiring all vehicles associated with the business to be parked on site only.

Site Improvements

The applicant proposes to re-stripe the existing parking lot to create a new van accessible parking space and install a ramp for accessibility in front of the proposed automotive repair shop. In addition, **staff recommends** that a new gate for the trash enclosure be installed pursuant to MMC Section XI-10-42.10(K) and City Council Resolution No. 6296, which require trash and recycling enclosures to be screened and designed to be architecturally compatible to adjacent structures. No other exterior improvements or changes to the landscape are proposed with the project. **Staff recommends** that appropriate plants and irrigation be installed in the southeast landscape area where it is currently lacking ground cover. Final Landscape Plan shall be prepared to the satisfaction of the Director of Planning and Neighborhood Services prior to the issuance of a building permit. Also, **staff recommends** that the parking lot be restriped prior to the issuance of a building permit.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (“Existing Facilities”, Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances) of the California Environmental Quality Act (CEQA) Guidelines.

Neighborhood/Community Impact

The proposed automobile repair shop is expected to have a positive community impact by providing a needed service to the City of Milpitas. The automobile repair shop use will provide a service to residential automobile owners throughout the City. Based on this, staff concludes that this proposal will not have a negative community impact because the project is located near existing automotive uses and does not exceed parking requirements.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit No. UP2006-11 and “S” Zone Approval Amendment No. SA2006-22 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. (“Existing Facilities”, Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.)
2. The proposed automobile repair shop is consistent with the City of Milpitas General Plan in terms of land use because the business is compatible with neighboring service businesses, encourages economic pursuits and retains a viable business within the City.
3. The proposed automobile repair shop is consistent with the City of Milpitas Zoning Ordinance because the proposed use is a conditionally permitted use in the Highway Services zoning district and serves automobile users.
4. As conditioned, the proposed automobile body shop will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community because the proposed use will not produce negative effects on the community and will occupy a vacant space in a multi-tenant building.

SPECIAL CONDITIONS

1. This Use Permit No. P-UP2006-11 approval is for a new 7,541 square foot automobile repair shop as shown on the approved plans dated July 26, 2006, except as may be otherwise modified by these conditions of approval. Any expansion or change in nature of the operation shall require review and approval by the Planning Commission of an amendment to this Use Permit. Minor changes as per Section 42 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)

2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
3. If at the time of application for building permit, there is a past due project job account balance owed to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. If at the time of application for certificate of occupancy there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
5. Prior to issuance of permits for any roof top equipment, detailed architectural plans for the screening of this equipment and/or line-of-site view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved by city staff in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
6. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
7. The applicant shall install a gate for the existing trash enclosure pursuant to Resolution No. 6296 and City of Milpitas Solid Waste Enclosure Guidelines. The gate design will be reviewed by staff during the Building Permit process. (P)
8. All vehicles associated with the business shall be parked in parking spaces designated for the automobile repair business on site only. (P)
9. Appropriate plants and irrigation shall be installed and maintained in the landscape area, especially in the southeast corner where it is currently lacking ground cover. Final Landscape Plan shall be prepared to the satisfaction of the Director of Planning and Neighborhood Services prior to the issuance of a building permit. (P)
10. The parking lot shall be restriped prior to the issuance of a certificate of occupancy. (P)
11. Per Chapter 200, Solid Waste Management, V-200-3.10, General Requirement, applicant / property owner shall not keep or accumulate, or permit to be kept or accumulated, any solid waste of any kind and is responsible for proper keeping, accumulating and delivery of solid waste. In addition, according to V-200-3.20 Owner Responsible for Solid Waste, Recyclables, and Yard Waste, applicant / property owner shall subscribe to and pay for solid waste services rendered. Prior to occupancy permit issuance (start of operation), the applicant shall submit evidence to the City that a minimum level of refuse service has been secured using a Service Agreement with Allied Waste Services (formally BFI) for commercial services to maintain an adequate level of service for trash and recycling

collection. After the applicant has started its business, the applicant shall contact Allied Waste Services commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

12. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
13. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
14. It is the responsibility of the applicant to obtain any necessary encroachment permits or approval from affected agencies or private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
15. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)
16. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "X". (E)

Planning Division = (P)

Engineering Division = (E)

Proposed: M&S Collision Auto Body Shop



255 North Market St #252
San Jose, CA 95110
(408) 288 8033
fax 297 7806

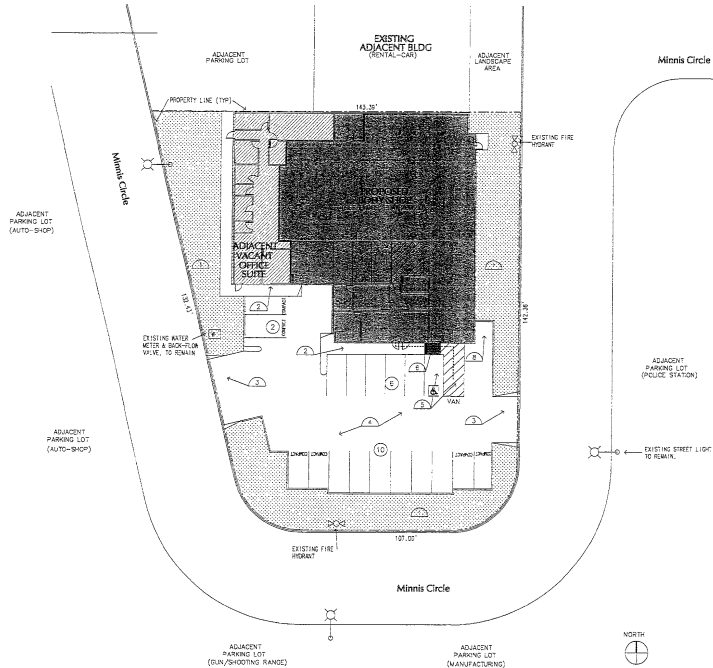
PROJECT SUMMARY
CONDITIONAL USE PERMIT APPLICATION FOR A CONVERSION OF AN EXISTING MANUFACTURE TO AN AUTO BODY SHOP.
NO EXTERIOR MODIFICATIONS ARE PROPOSED TO THE EXISTING BUILDING.
NEW ACCESSIBLE PARKING STALLS ARE PROPOSED.

BUILDING INFORMATION
APRIL 2008-2009
EXISTING BUILDING: 8,483 SQUARE FEET
PROPOSED AUTO BODY SHOP: 7,041 SQUARE FEET
TYPE OF CONSTRUCTION: 10
ZONING: (U) HIGHWAY SERVICES
OCCUPANCY TYPE: (U) 361 3-4 REPAIR GARAGES
NUMBER OF STORIES: 1

PARKING REQUIREMENTS
ADJACENT VEHICLE OFFICE SUITE:
GROSS FLOOR AREA: 1,833 SQ. FT.
NET FLOOR AREA OF 1,433 SQ. FT. OF GRA: 1,433/260
(1 SPACE/260 SQ. FT. OF GRA) = 5.15 SPACES
AUTO BODY SHOP:
2 SERVICE STALLS ARE PROPOSED
(3 SPACES PER SERVICE BAY IS REQUIRED) 3x2 = 6 SPACES
OFFICE/ADMIN AREA WITHIN AUTO BODY SHOP:
GROSS FLOOR AREA: 1,484 SQ. FT.
(1 SPACE/260 SQ. FT. OF GRA) = 5.68 SPACES
TOTAL REQUIRED = 17.12 SPACES

PARKING PROVIDED:
PARKING LOT = 18 SPACES
ACCESSIBLE AUTO-SHOP BLOC = 3 SPACES
TOTAL PROVIDED = 21 SPACES

STANDARD PARKING SPACES: 17
COMPACT PARKING SPACES: 0
ACCESSIBLE PARKING SPACES: 1
TOTAL PARKING SPACES: 18 PARKING SPACES



1. This sheet is part of a set and is not to be used alone.
2. The sheet is not to be used for construction unless the architect's stamp and signature appear on the drawing and the date of the drawing is shown.
3. The sheet is not to be used for construction unless the architect's stamp and signature appear on the drawing and the date of the drawing is shown.
4. Copyright © Wayne Renshaw, Architect 2008

M & S Collision

Proposed
Auto Body Shop
Conditional
Use Permit

107 Minnis Cir
Milpitas, CA

description	DATE
1. site plan	03.30.2008
2. site plan	03.30.2008
3. site plan	03.30.2008
4. site plan	03.30.2008
5. site plan	03.30.2008
6. site plan	03.30.2008
7. site plan	03.30.2008
8. site plan	03.30.2008
9. site plan	03.30.2008
10. site plan	03.30.2008
11. site plan	03.30.2008
12. site plan	03.30.2008
13. site plan	03.30.2008
14. site plan	03.30.2008
15. site plan	03.30.2008
16. site plan	03.30.2008
17. site plan	03.30.2008
18. site plan	03.30.2008
19. site plan	03.30.2008
20. site plan	03.30.2008
21. site plan	03.30.2008
22. site plan	03.30.2008
23. site plan	03.30.2008
24. site plan	03.30.2008
25. site plan	03.30.2008
26. site plan	03.30.2008
27. site plan	03.30.2008
28. site plan	03.30.2008
29. site plan	03.30.2008
30. site plan	03.30.2008

description	DATE
1. site plan	03.30.2008
2. site plan	03.30.2008
3. site plan	03.30.2008
4. site plan	03.30.2008
5. site plan	03.30.2008
6. site plan	03.30.2008
7. site plan	03.30.2008
8. site plan	03.30.2008
9. site plan	03.30.2008
10. site plan	03.30.2008
11. site plan	03.30.2008
12. site plan	03.30.2008
13. site plan	03.30.2008
14. site plan	03.30.2008
15. site plan	03.30.2008
16. site plan	03.30.2008
17. site plan	03.30.2008
18. site plan	03.30.2008
19. site plan	03.30.2008
20. site plan	03.30.2008
21. site plan	03.30.2008
22. site plan	03.30.2008
23. site plan	03.30.2008
24. site plan	03.30.2008
25. site plan	03.30.2008
26. site plan	03.30.2008
27. site plan	03.30.2008
28. site plan	03.30.2008
29. site plan	03.30.2008
30. site plan	03.30.2008

site
plan
CU1.0

project information

CU1.0 COVER SHEET & SITE PLAN
CU2.0 FLOOR PLAN & EXTERIOR ELEVATIONS

sheet index

- 12. DETAIL REFERENCE NUMBER SHEET ON WHICH DETAIL APPEARS
- 13. CENTER LINE
- 14. PROPERTY LINE
- 15. ADJACENT FINISH SURFACES WITH EACH OTHER
- 16. DIMENSION TO FACE OF ROUGH FRAME
- 17. DIMENSION TO FINISHED SURFACE
- 18. DIMENSION TO CENTER LINE OF ROUGH FRAME
- 19. REVISION TO DRAWING (USUALLY SHOWN CLOUSED)
- 20. SHEET NOTE TAG - SEE LIST ON SAME PAGE
- 21. EQUIPMENT - SEE EQUIPMENT SCHEDULE
- 22. REFERENCE ELEVATION FROM 0'-0" BASE ELEVATION
- 23. PROJECT REFERENCE NORTH

general legend

vicinity map

site plan sheet notes

- EXISTING LANDSCAPE TO REMAIN.
- EXISTING CONC. WALK TO REMAIN.
- EXISTING DRIVEWAY TO REMAIN.
- EXISTING PARKING LOT TO REMAIN.
- STREET NEW ACCESSIBLE PARKING STALLS & LOADING AREA AT EXISTING STALLS.
- CONCRETE THIS SECTION OF EXISTING CONCRETE WALK, REMOVE NEW CONCRETE ACCESSIBLE RAMP.
- EXISTING NEW PARKING STALLS, SEE FLOOR PLAN/CU2.0
- EXISTING TRASH ENCLOSURE, TO REMAIN. 8'-0" X 8'-0" WITH 6'-0" HIGH CONCRETE WALL.

PATH OF TRAVEL
② = # OF EXISTING PARKING SPACES
Ⓜ = ACCESSIBLE STALL
VAN = VAN ACCESSIBLE

PARKING AVAILABLE: 21 SPACES
ACCESSIBLE PARKING AVAILABLE: 1 SPACE
ACCESSIBLE PARKING REQUIRED: 1 SPACE

1"=20'-0"

site plan

